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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Orlando ROBLES-Valencia** Defendant.	Magistrate Case No. '08 MJ 07 10
	COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Sec. 1324(a)(2)(B)(iii) - Bringing in Alien(s) Without Presentation (Felony)

The undersigned complainant, being duly sworn, states:

That on or about **March 5, 2008**, within the Southern District of California, defendant **Orlando ROBLES-Valencia**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Eduardo MORA-Hernandez, Renato GONZALEZ-Vasquez, and Irma ESCALANTE-Pena** had not received prior official authorization to come to, enter and reside in the United States, did attempt to bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 6th DAY OF **MARCH 2008.**

UNITED STATES MAGISTRATE JUDGE

CATHY ANN BENCIVENGO
U.S. MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT

The complainant states that **Eduardo MORA-Hernandez, Renato GONZALEZ-Vasquez, and Irma ESCALANTE-Pena,** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On March 5, 2008 at approximately 5:03 PM, **Orlando ROBLES-Valencia (Defendant)** made application for admission into the United States while driving a green Pontiac Grand Prix at the San Ysidro Port of Entry. Defendant presented a DSP-150 Laser Visa card bearing the name of Sergio Benjamin ARANDA Rodriguez to a Customs and Border Protection (CBP) officer. The CBP officer received two negative customs declarations from Defendant who also stated that he was going to San Diego. The CBP officer requested Defendant to open the trunk of the vehicle. Defendant was unable to open the trunk and the CBP officer subsequently referred the vehicle and Defendant to secondary for further inspection.

In secondary, CBP officers discovered and removed four individuals from within the trunk of the vehicle. The four individuals were determined to be citizens of Mexico with no entitlements to enter, pass through, or reside in the United States. Three of the four individuals concealed in the trunk were retained as Material Witnesses and are now identified as: **Eduardo MORA-Hernandez (MW1), Renato GONZALEZ-Vasquez (MW2), and Irma ESCALANTE-Pena (MW3).**

During a videotaped proceeding, Defendant was advised of his Miranda Rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. Defendant admitted he knew the document he presented belonged to another person and that he has no legal documents to enter the United States. Defendant admitted a man named "Johnny" provided him with the DSP-150 Laser Visa card and the vehicle loaded with an unknown number of individuals concealed in its trunk. Defendant stated he was instructed to drive the vehicle to a "McDonald's" restaurant located on Palm Avenue where an unknown person would be waiting for him.

Videotaped interviews were conducted with Material Witnesses. All Material Witnesses stated they are citizens of Mexico without documents to lawfully enter or reside in the United States. MW1 and MW2 stated they made the arrangements in Tijuana, Mexico and were to pay an unknown amount and $3000.00, respectively, to be smuggled into the United States. MW3 stated her husband made arrangements and was to pay $2500.00 USD for her to be smuggled into the United States. Material Witnesses stated they intended to travel to the United States to seek employment and reunite with family.